



PUGET SOUND AIR POLLUTION CONTROL AGENCY
KING COUNTY ▲ KITSAP COUNTY ▲ PIERCE COUNTY ▲ SNOHOMISH COUNTY

May 23, 1996

RECEIVED

MAY 24 1996

AGUW-000115

Ash Grove Cement Company
c/o Edwin S. Pierce, Reg. Agent
3801 East Marginal Way South
Seattle, WA 98134-1147

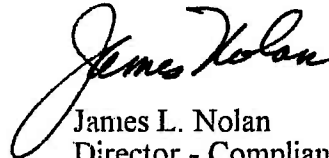
Dear Mr. Pierce:

Civil Penalty No. 8355

Per our settlement discussions and in accordance with the settlement agreement the Agency and Ash Grove will soon be executing, we are hereby canceling Civil Penalties No. 8267, 8275, and 8350, and issuing Civil Penalty No. 8355 in the amount of \$29,000.00.

If you have any questions, please contact me at 689-4053.

Sincerely,


James L. Nolan
Director - Compliance

lh

Enclosures

cc: Svend A. Brandt-Erichsen
Heller Ehrman White & McAuliffe
701 5th Avenue, #6100
Seattle, WA 98104-7098

Dennis J. McLerran, Air Pollution Control Officer

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110 Union Street, Suite 500, Seattle, Washington 98101-2038 ▲ (206) 343-8800 ▲ (800) 552-3565 ▲

FAX: (206) 343-7522
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AGCS2M001263

PUGET SOUND AIR POLLUTION CONTROL AGENCY)

a municipal corporation of the state of Washington)

110 Union Street, Suite 500)

Seattle, Washington 98101-2038)

VS)

ASH GROVE CEMENT COMPANY)

c/o Edwin S. Pierce, Registered Agent)

3801 East Marginal Way South)

Seattle, Washington 98134-1147)

MAY 24 1996

AGUW-SEATTLE

NO. 8355

**NOTICE AND ORDER
OF CIVIL PENALTY**

You are hereby notified that, pursuant to RCW 70.94, you have violated Regulation I of the Puget Sound Air Pollution Control Agency and a penalty of \$29,000.00 is assessed against you. The violations are as follows:

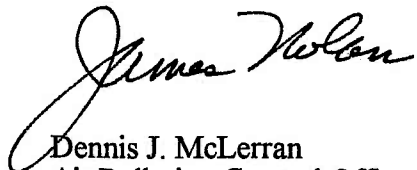
On or about May 15, August 25, September 12, and September 20, 1995, in King County, state of Washington, you violated Section 9.15(a) of Regulation I. Section 9.15(a) states: "It shall be unlawful for any person to cause or allow the emission of fugitive dust unless such person uses the best available control technology to control the emissions."

<u>Description</u>	<u>Notice of Violation #s</u>
Caused or allowed the emission of fugitive dust without using best available control technology at 3801 East Marginal Way South in Seattle, Washington.	33673, 33680, 33924, and 33925

Such penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

Action will be commenced in court to recover such penalty unless one of the following three actions is taken: (1) the penalty is paid on or before 30 days after receiving this notice, (2) a request for mitigation is made to this Agency, or (3) a request for hearing is made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer.

Dated this 23rd day of May 1996.


Dennis J. McLerran
Air Pollution Control Officer

AGCS2M001264

a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Edwin S. Pierce, Registered Agent
3801 East Marginal Way South
Seattle, Washington 98134-1147

NO. 8267

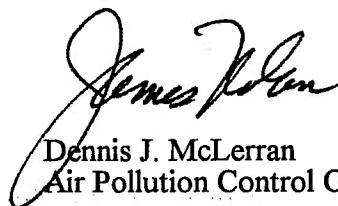
MAY 24 1996

AGCW-SLATE

NOTICE AND ORDER OF
CANCELATION OF CIVIL PENALTY

You are hereby notified that Notice and Order of Civil Penalty No. 8267, which was issued by Certified Mail No. Z 704 779 185, and was dated October 30, 1995, is canceled.

Dated this 23rd day of May 1996.



Dennis J. McLerran
Air Pollution Control Officer

a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Edwin S. Pierce, Registered Agent
3801 East Marginal Way South
Seattle, Washington 98134-1147

NO. 8275


MAY 24 1996

AGUW-SEATTLE

NOTICE AND ORDER OF
CANCELATION OF CIVIL PENALTY

You are hereby notified that Notice and Order of Civil Penalty No. 8275, which was issued by Certified Mail No. Z 704 779 199, and was dated December 13, 1995, is canceled.

Dated this 23rd day of May 1996.


Dennis J. McLerran
Air Pollution Control Officer

a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Edwin S. Pierce, Registered Agent
3801 East Marginal Way South
Seattle, Washington 98134-1147

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)
) NO. 8350
)
)
)

MAY 24 1996

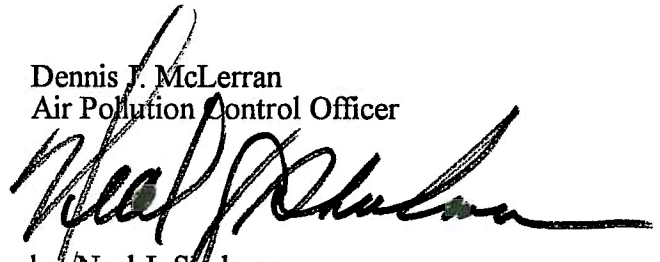
AGUW-CLATLE

) NOTICE AND ORDER OF
) CANCELATION OF CIVIL PENALTY
)
)
)
)

You are hereby notified that Notice and Order of Civil Penalty No. 8350, which was issued by Certified Mail No. Z 704 779 259, and was dated May 16, 1996, is canceled.

Dated this 23rd day of May 1996.

Dennis J. McLerran
Air Pollution Control Officer



by Neal J. Sulman
Manager - Inspection

PUGET SOUND AIR POLLUTION CONTROL AGENCY)
a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

VS

ASH GROVE CEMENT COMPANY
c/o Edwin S. Pierce, Registered Agent
3801 East Marginal Way South
Seattle, Washington 98134-1147

MAY 17 1996

NO. 8350 AGCW-SEATTLE

**NOTICE AND ORDER
OF CIVIL PENALTY**

You are hereby notified that, pursuant to Chapter 70.94 RCW and Notice of Violation No. 34406, a copy of which has been previously provided to you or your agent, you have violated Regulation I, Section 9.15(c) of the Puget Sound Air Pollution Control Agency in the following particulars:

On or about the 9th day of February 1996, at 3801 East Marginal Way South in the city of Seattle, King County, state of Washington, you caused or allowed the emission of fugitive dust from the mid-point of the conveyor between the G-cooler and the 6-pack and from the underside of the conveyor, approximately 10 feet south of the storage shed, in violation of Section 9.15(c).

As a result of the foregoing violation(s), a penalty is assessed against you as follows:

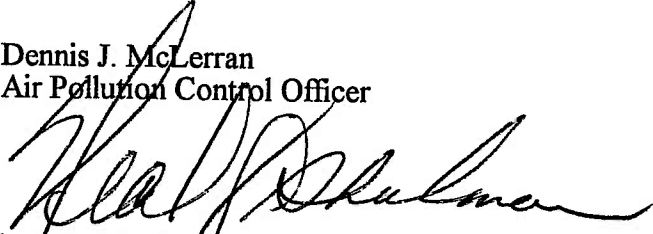
For the violation(s) that occurred on or about the 9th day of February 1996, wherein you caused or allowed the emission of fugitive dust in violation of Regulation I, Section 9.15(c) of the Puget Sound Air Pollution Control Agency, a penalty is assessed against you in the amount of three thousand dollars (\$3,000.00).

The full amount of this penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for both mitigation procedures and appeal procedures.)

In the event the full amount of this penalty is not paid on or before thirty (30) days of receipt of this notice, or a request for mitigation has not been made to this Agency, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this 16th day of May 1996.

Dennis J. McLerran
Air Pollution Control Officer


by Neal J. Shulman
Manager - Inspection

Certified Mail No. Z 704 779 259

AGCS2M001268

110 Union Street, Suite 500
Seattle, Washington 98101-2038
Telephone: (206) 343-8800
1-800-552-3565
Facsimile: (206) 343-7522

A GUIDE TO APPEALS FROM CIVIL PENALTIES

This guide is intended to help you understand the basic steps required to file an appeal. Required procedures are detailed in state law (RCW 43.21B and RCW 70.94), the Pollution Control Hearings Board (PCHB) regulations (WAC 371-08), and Puget Sound Air Pollution Control Agency (PSAPCA) Regulation I. Those who wish to appeal Notices of Violation or Notices and Order of Civil Penalty from PSAPCA are urged to consult these documents.

- A. Within fifteen (15) days after the notice is received you may apply to the Control Officer for remission or mitigation (see Section 3.11(c) of PSAPCA Regulation I on the reverse side for required contents).
- B. You may also appeal to the PCHB either thirty (30) days after receiving the notice (if you do not appeal to the Control Officer for mitigation) or thirty (30) days after receipt of the Control Officer's decision on the request for mitigation (see Section 3.11(d) of Regulation I on the reverse side).
- C. A Notice of Appeal to the PCHB must contain at least the information required by WAC 371-08-075 (see back of page for required contents).
- D. The original and one copy of a Notice of Appeal must be filed with:

POLLUTION CONTROL HEARINGS BOARD
Environmental Hearings Office, MS: PY-21
PO Box 40903
Olympia, Washington 98504-0903

- E. An additional copy of the Notice of Appeal must be filed with:

Air Pollution Control Officer
Puget Sound Air Pollution Control Agency
110 Union Street, Suite 500
Seattle, Washington 98101-2038

All notices of actions in connection with the appeal (date and place of hearings, findings, etc.) will be issued by the PCHB with copies to the person filing the appeal and to PSAPCA.

Serving:

King County
Kitsap County
Pierce County
Snohomish County

Dennis J. McLerran, Air Pollution Control Officer

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AGCS2M001269

Environmental Hearings Office
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903
(360) 459-6327 Fax: (360) 438-7699

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Hearings Coordinator
Judy Greear

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Suzanne M. Skinner

Administrative Assistant
Robyn Bryant

“Your Right To Be Heard”

This is your informal guide to your rights and responsibilities in an appeal. It is not exclusive and does not have force and effect of state law or regulation. More detailed information, in a chapter of the Washington Administrative Code entitled: “Pollution Control Hearings Board Practice and Procedure,” Chapter 371-08 WAC, is available at your county law library or upon request.

YOUR RIGHT TO BE HEARD

The Pollution Control Hearings Board (PCHB) hears appeals from orders and decisions made by:

1. Local and regional air pollution control agencies or authorities,
2. The State Department of Ecology, and
3. Other agencies as provided by law.

The Board’s sole function is to give you, and all other litigants in the matter, a full and complete public hearing, as promptly as possible, followed by a fair and impartial written decision based on the facts and law.

The Board is not affiliated with the Department of Ecology or any other agency. To insure the Board’s impartiality, the State Legislature created this independent, quasi-judicial state agency, entirely separate from any other state, regional, or local unit of government.

The Board consists of three full-time members, who are appointed by the governor and confirmed by the State Senate for staggered six-year terms. One of the three must be an attorney. All are salaried employees of the State, who also serve on the Shorelines Hearings Board.

DO YOU NEED AN ATTORNEY?

You may be represented by an attorney, but one is not required by law. However, you might want to consider whether a lawyer would be helpful, before you decide to represent yourself.

WHEN AND WHERE TO FILE AN APPEAL

The Board must RECEIVE your appeal within thirty (30) days of the date that the copy of the order or decision was communicated to the appealing party.

You must also serve, within thirty (30) days, a copy of your appeal with the Department, Air Pollution Control Authority, or other agency whose order or decision you are appealing.

If it is a permit you are appealing, such as a water right, you should also serve a copy of your appeal on the holder of the permit unless you are the permittee.

Failure to observe the thirty (30) day deadline for filing with the Board and serving the Department, Air Pollution Control Authority, or other agency will result in dismissal of the appeal.

CONTENT OF THE APPEAL

You need to supply the Board, in writing, with:

- Your name and address (mailing and legal, if different) and, if applicable, the name and address of your representative.
- A daytime phone number.
- A copy of the order or decision you are appealing, and if the order or decision followed an application, a copy of the application.
- A brief statement why you are appealing.
- The relief you seek (what you want the Board to do).
- A statement, signed by you or your representative, attesting that the content of the appeal is true.

CAN THIS DISPUTE BE SETTLED?

After the appeal is filed, if you think the problem could be settled without going to hearing, you are encouraged to meet with the agency that you disagree with, to see if an agreement can be reached. If settlement is accomplished, please provide the Board with a copy of the settlement and the litigants’ signatures.

The appeal may then be dismissed, if the Board accepts the settlement.

The Board will assist in reaching a settlement, if all parties agree.